

Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 AF-08 ARA-06 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NASA-01 NEA-10 NSAE-00

NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15 USIA-06

SAJ-01 /123 W

----- 128416

R 131602Z JUL 76

FM USMISSION GENEVA

TO SECSTATE WASHDC 1128

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY THE HAGUE

AMEMBASSY ROME

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

USMISSION NATO BRUSSELS

USMISSION SALT II GENEVA

ERDA HQ WASH

ERDA GERMANTOWN

C O N F I D E N T I A L GENEVA 5535

E.O. 11652: GDS

TAGS: PARM, CCD

SUBJ: CCD - ENMOD TREATY - PROPOSED REVISION ARTICLE V

REF: GENEVA 5512

1. AS NOTED PARA 2, REFTEL NETHERLANDS AND OTHERS HAVE BEEN WORKING ON PROPOSAL FOR REVISION OF ARTICLE V. NETHERLANDS DELOFF HAS PROVIDED US WITH ADVANCE COPY OF PROPOSED TEXT, WHICH ALSO HAS SUPPORT OF ARGENTINE, SWEDISH AND UK DELEGATIONS.

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2. CURRENT PLAN IS FOR DUTCH AND SWEDISH DELEGATIONS

TO INTRODUCE PROPOSAL AT ENMOD WORKING GROUP SESSION
ON AFTERNOON OF JULY 14. SPONSORS HAVE NOT YET INFORMED
SOVIET DEL, BUT PLAN TO DO SO MORNING OF JULY 14.

2. TEXT OF PROPOSED ARTICLE V REVISION FOLLOWS:

QUOTE

ARTICLE V

1) THE STATES PARTY TO THIS CONVENTION UNDERTAKE TO
CONSULT ONE ANOTHER AND TO CO-OPERATE IN SOLVING ANY
PROBLEMS WHICH MAY ARISE IN RELATION TO THE OBJECTIVES OF,
OR IN THE APPLICATION OF THE PROVISIONS OF THIS CONVENTION.
CONSULTATION AND CO-OPERATION PURSUANT TO THIS ARTICLE
MAY ALSO BE UNDERTAKEN THROUGH APPROPRIATE INTERNATIONAL
PROCEDURES WITHIN THE FRAMEWORK OF THE UNITED NATIONS AND
IN ACCORDANCE WITH ITS CHARTER.

2) A. IN ORDER TO FACILITATE THIS CONSULTATION AND CO-OPERA-
TION THE STATES PARTY TO THE CONVENTION SHALL ESTABLISH
A CONSULTATIVE COMMISSION.

B. THE CONSULTATIVE COMMISSION WILL BE COMPOSED OF THE
PERMANENT MEMBERS OF THE SECURITY COUNCIL WHICH ARE A PARTY
TO THE CONVENTION AND (.....) OTHER PARTIES TO BE ELECTED
ON A GEOGRAPHICAL BASIS. IT WILL TAKE DECISIONS BY A
MAJORITY OF VOTES. A REPRESENTATIVE OF THE SECRETARY-
GENERAL OF THE UNITED NATIONS WILL BE THE SECRETARY OF THE
CONSULTATIVE COMMISSION. THE CONSULTATIVE COMMISSION
WILL PROVIDE REPORTS OF ITS ACTIVITIES TO THE STATES PARTY
TO THE CONVENTION.

C. THE CONSULTATIVE COMMISSION MAY CONSIDER POSSIBLE PRO-
POSALS FOR FURTHER IMPROVING THE VIABILITY OF THE CON-
VENTION AND FOR OTHER CONFIDENCE BUILDING MEASURES,
INCLUDING RECOMMENDATIONS FOR AMENDMENTS AS PROVIDED FOR IN
ARTICLE VI. IT WILL MAKE THE NECESSARY PREPARATION
FOR THE REVIEW CONFERENCES AS PROVIDED FOR IN ARTICLE.....

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D. WITHOUT AFFECTING ITS RIGHTS UNDER THE CHARTER OF
THE UNITED NATIONS, ANY STATE PARTY TO THE CONVENTION MAY
REQUEST THE CONSULTATIVE COMMISSION TO PROVIDE AN EXPERT
VIEW ON PHENOMENA WHICH IT BELIEVES HAVE A BEARING ON
THE APPLICATION OF THE CONVENTION. THE CONSULTATIVE
COMMISSION, IN LINE WITH ITS GENERAL CONFIDENCE BUILDING
PURPOSES, MAY INITIATE AN INQUIRY INTO ALL RELEVANT FACTS
WITH THE ASSISTANCE OF APPROPRIATE INTERNATIONAL

ORGANIZATIONS OR EXPERTS. EACH STATE PARTY TO THIS CONVENTION UNDERTAKES TO CO-OPERATE IN CARRYING OUT ANY INQUIRY WHICH THE CONSULTATIVE COMMISSION MAY INITIATE.

E. WITHIN HALF A YEAR AFTER ENTRY INTO FORCE OF THE CONVENTION (THE DEPOSITORY) (THE DEPOSITORY STATES) WILL CONVENE A MEETING OF THE PARTIES TO THE CONVENTION TO ELECT THE MEMBERS OF THE CONSULTATIVE COMMISSION AND TO DRAW UP ITS RULES OF PROCEDURE. SUBSEQUENT ELECTIONS OF THE MEMBERS OF THE CONSULTATIVE COMMISSION WILL TAKE PLACE.....

3) ANY STATE PARTY TO THIS CONVENTION WHICH FINDS THAT ANY OTHER STATE PARTY IS ACTING IN BREACH OF OBLIGATIONS DERIVING FROM THE PROVISIONS OF THE CONVENTION MAY LODGE A COMPLAINT WITH THE SECURITY COUNCIL OF THE UNITED NATIONS. SUCH A COMPLAINT SHOULD INCLUDE ALL POSSIBLE EVIDENCE CONFIRMING ITS VALIDITY AS WELL AS A REQUEST FOR ITS CONSIDERATION BY THE SECURITY COUNCIL.

4) EACH STATE PARTY TO THIS CONVENTION UNDERTAKES TO PROVIDE OR SUPPORT ASSISTANCE, IN ACCORDANCE WITH THE UNITED NATIONS CHARTER, TO ANY PARTY TO THE CONVENTION WHICH SO REQUESTS, IF THE SECURITY COUNCIL DECIDES THAT SUCH A PARTY HAS BEEN HARMED OR IS LIKELY TO BE HARMED AS A RESULT OF VIOLATION OF THE CONVENTION. END QUOTE.DALE

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Margaret P. Grafeld
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